

**A SUBSTITUTE ORDINANCE AS AMENDED  
BY FINANCE EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND ADJACENT TO EXISTING CENTER HILL PARK IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$180,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED PROPERTIES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, a parcel of land adjacent to existing Center Hill Park ("the Property") is being offered for sale; and

**WHEREAS**, the additional acreage would increase access to the park; and

**WHEREAS**, Ordinance 01-0-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, allocated \$100,000 of FYO I Georgia Greenspace (Fulton) grant Funds to cover the cost of land acquisition for Northwest Atlanta Study Area Parks & Open Space;  
and

**WHEREAS**, Ordinance 03-0-0392 proposes the allocation of additional FYO I Georgia Greenspace (Fulton) grant funds to cover the cost of this project; and

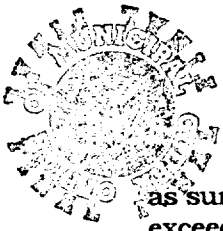
**WHEREAS**, the Property is located within the confines of the Northwest Atlanta Study Area.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

**SECTION 1:** That the Mayor or her designee is hereby authorized to negotiate with the property owner to purchase, trade, or transfer of approximately 2.36 acres of real property adjacent to Center Hill Park, in Land Lot 177 of the 14th District of Fulton County, lots 30, 31, 32, 33, and 34, as shown and described in the attached Exhibit.

**SECTION 2:** That fund, account, and center number 1B02-571001-Y63D1005KTA0, NW Atlanta Framework Plan Parks and Open Space/ Proctor Creek Trail and Greenway Corridor is to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source, in an amount not to exceed \$180,000.

**SECTION 3:** That the funds expended for the purchase of the land and for due diligence items such



as surveys, environmental assessments, appraisals, title reports, and other closing costs shall not exceed \$180,000 in total.

**SECTION 4:** That consultant services for acquisition of the properties shall be charged to and paid from fund account center I C28 571001 Y63D 10059991 in an amount not to exceed \$3,620.

**SECTION 5:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish just compensation based thereon to be offered the property owner.

**SECTION 6:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 7:** That the City's Consultant is authorized to settle those acquisitions of property at an amount authorized by the Chief Procurement Officer. The Mayor or her designee is authorized to negotiate and administratively settle with appropriate supportive documentation. The acquisitions which (1) exceed the authorization of or (2) require action for recommended condemnation by the Chief Procurement Officer shall require City Council approval.

**SECTION 8:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

**SECTION 9:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**SECTION 10:** That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultants, with affected property owners in the Center Hill Park Expansion Project.

**SECTION 11:** That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

**SECTION 12:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Phonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

APR 21, 2003  
APR 28, 2003

JAN. 14. 2003

CENTER HILL PARK  
325 BOUNDARY DRIVE PL  
BY THIS SURVEYOR DATED

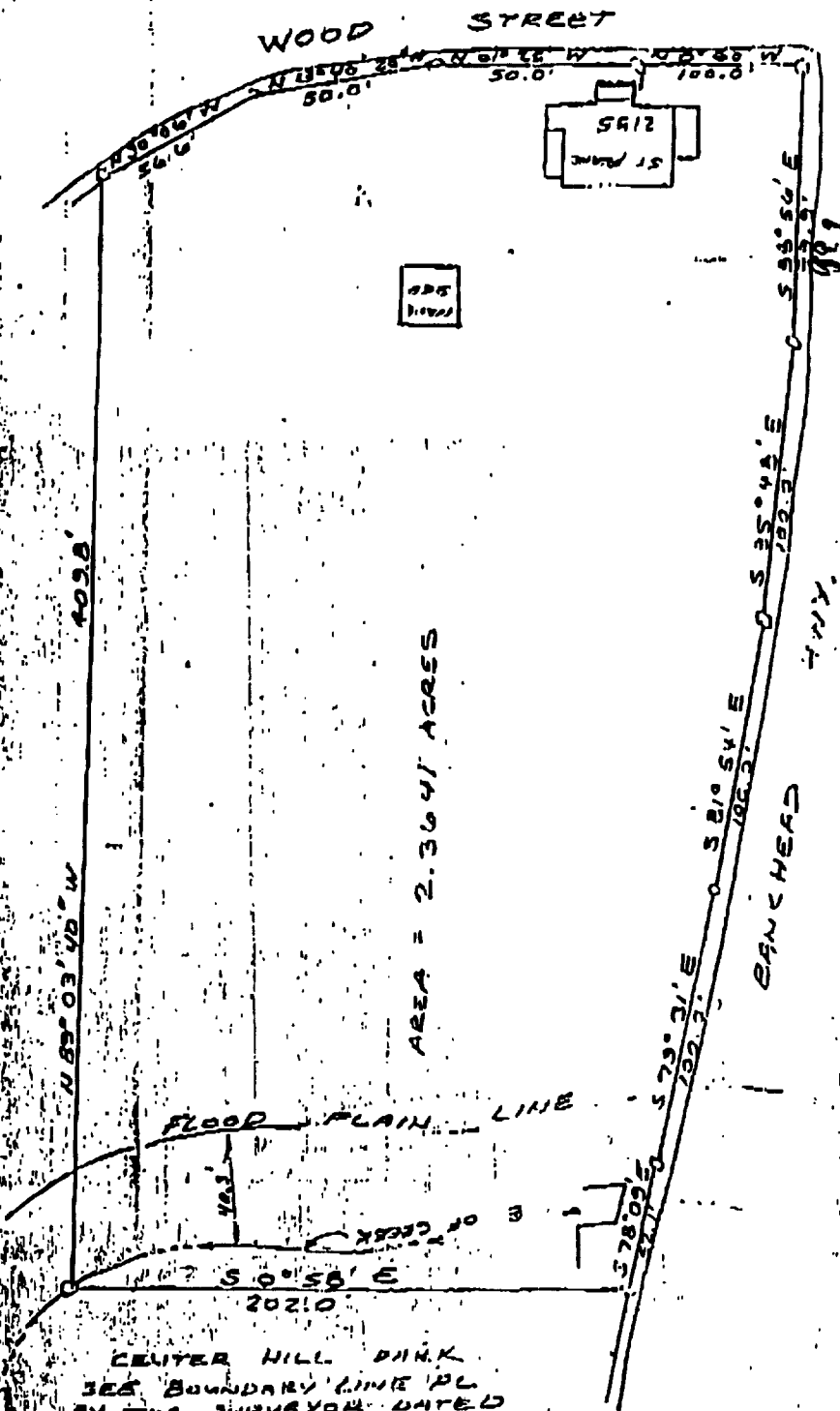
[illegible]

LAND LOT 177

FULTON  
SCALE - 1" = 40'

DATE: JUNE 1968

SURVEYED BY  
JAMES ROBERT CHEATHAM



RCS# 4616  
4/21/03  
2:23 PM

Atlanta City Council

Regular Session

CONSENT I            Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

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**4/21/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda****Items Adversed on  
the Consent Agenda**

1. 03-O-0186	36. 03-R-0451	72. 03-R-0498	
2. 03-O-0350	37. 03-R-0571	73. 03-R-0499	81. 03-R-0507
3. 03-O-0401	38. 03-R-0549	74. 03-R-0500	82. 03-R-0508
4. 03-O-0442	39. 03-R-0555	75. 03-R-0501	83. 03-R-0509
5. 03-O-0438	40. 03-R-0556	76. 03-R-0502	84. 03-R-0510
6. 03-O-0445	41. 03-R-0558	77. 03-R-0503	85. 03-R-0511
7. 03-O-0446	42. 03-R-0559	78. 03-R-0504	86. 03-R-0512
8. 03-O-0443	43. 03-R-0560	79. 03-R-0505	87. 03-R-0513
9. 03-O-0450	44. 03-R-0561	80. 03-R-0506	88. 03-R-0514
10. 03-O-0485	45. 03-R-0562		89. 03-R-0515
11. 03-O-0399	46. 03-R-0563		90. 03-R-0516
12. 03-O-0369	47. 03-R-0564		91. 03-R-0517
13. 03-O-0416	48. 03-R-0572		92. 03-R-0518
14. 03-O-0193	49. 03-R-0588		93. 03-R-0519
15. 03-O-0355	50. 03-R-0589		94. 03-R-0520
16. 03-O-0359	51. 03-R-0590		95. 03-R-0521
17. 03-O-0360	52. 03-R-0448		96. 03-R-0522
18. 03-O-0436	53. 03-R-0454		97. 03-R-0523
19. 02-O-1543	54. 03-R-0528		98. 03-R-0524
20. 03-O-0432	55. 03-R-0529		99. 03-R-0525
21. 03-O-0433	56. 03-R-0569		100. 03-R-0526
22. 03-O-0434	57. 03-R-0570		101. 03-R-0527
23. 03-R-0444	58. 03-R-0591		
24. 03-R-0530	59. 03-R-0592		
25. 03-R-0531	60. 03-R-0217		
26. 03-R-0532	61. 03-R-0539		
27. 03-R-0533	62. 03-R-0541		
28. 03-R-0534	63. 03-R-0542		
29. 03-R-0535	64. 03-R-0566		
30. 03-R-0536	65. 03-R-0593		
31. 03-R-0537	66. 03-R-0544		
32. 03-R-0538	67. 03-R-0545		
33. 03-R-0546	68. 03-R-0565		
34. 03-R-0577	69. 03-R-0496		
35. 03-R-0390	70. 03-R-0497		

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Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391

03-0436

(Do Not Write Above This Line)

## AN ORDINANCE

BY FINANCE-EXECUTIVE  
COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND ADJACENT TO EXISTING CENTER HILL PARK IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$180,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREEN SPACE PROGRAM; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED PROPERTIES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

## SUBSTITUTE AS AMENDED

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER

Date Referred 3/17/03

Referred To: Finance/Executive

## First Reading

Committee  
Date  
Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

ADOPTED BY

APR 21 2003

COUNCIL

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

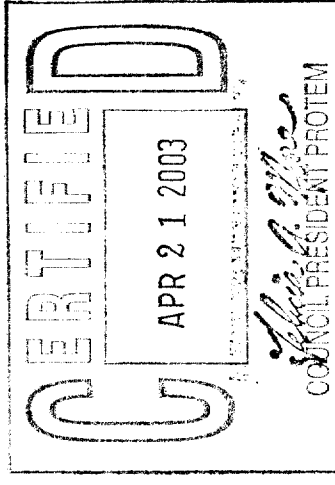
Refer To

## COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
 Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



CERTIFIED

APR 21 2003

Rand Douglas Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

APR 28 2003

Murley Frankle